

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEMETRIUS M. BOYD,

Petitioner,

v.

GARY BOUGHTON,

Respondent.

ORDER

15-cv-718-wmc

This case was closed after the court did not receive petitioner Demetrius M. Boyd's inmate account statement that he was directed to submit by the court's order dated November 12, 2015. Now that the court has received a copy of petitioner's inmate account statement and an explanation for the delay in receiving his account statement, the next step is to determine whether petitioner is indigent and may proceed without prepayment of the \$5 filing fee.

In determining whether to allow a prisoner to proceed without prepayment, this court uses the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from petitioner's trust fund account statement, I find that petitioner is able to pay the filing fee. Accordingly, I will deny petitioner's request for leave to proceed without prepayment of the filing fee. To proceed further on this habeas petition, petitioner must pay the \$5 filing fee. After the court receives the \$5 filing fee, the court will reopen his case and take his petition under advisement.

ORDER

IT IS ORDERED that:

1. Petitioner Demetrius A. Boyd's request for leave to proceed without prepayment of the filing fee is DENIED. Petitioner has until January 15, 2016 in which to pay the \$5 filing fee.

2. If by January 15, 2016, petitioner fails to submit the \$5 filing fee, or show cause for his failure to do so, his case will remain closed.

Entered this 22nd day of December, 2015.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge